

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

JODY WAYNE PICKETT	§	
VS.	§	CIVIL ACTION NO. 9:17-CV-12
BRIAN WILLIAMS, ET AL.	§	

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Jody Wayne Pickett, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Brian Williams, Rockwall County, and unidentified defendants.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

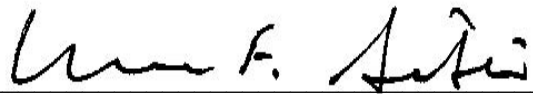
When, as in this case, jurisdiction is not founded solely on diversity of citizenship, § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of events that occurred in Rockwall County, Texas. The events that form the basis of the complaint did not occur within the Eastern District of Texas, nor do the defendants reside here. As a result, the Eastern District of Texas is not the proper venue for this action. The

court has considered the circumstances and has determined that the interests of justice would be served by transferring the case to the district where the claims arose. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Dallas Division of the United States District Court for the Northern District of Texas.

SIGNED this the 31st day of January, 2017.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE